

REMARKS

Claim 41 is amended. New claims 48-52 are added. Claims 41-43 and 48-52 are pending in the application.

Claims 41-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ma, U.S. Patent No. 5,960,302. The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of the claim to be disclosed within a single prior art reference. Claims 1-43 are allowable over Ma for at least the reason that Ma fails to disclose each and every limitation in any of those claims.

As amended, independent claim 41 recites a transistor structure having a gate oxide layer on a semiconductive substrate where the gate oxide layer has a total thickness of about 5 Angstroms. As recited in claim 41, the gate oxide layer comprises silicon dioxide and has a nitrogen-enriched region which is only in an upper half of the gate oxide layer. A conductive layer is on the gate oxide layer. The amendment to claim 41 is supported by the specification at, for example, page 4, lines 17-20; page 8, lines 10-12 and Fig. 4. The Examiner indicates at page 2 of the present Action that Ma discloses a gate oxide layer inclusive of layers 1311 and 115 having a thickness of about 5 Angstroms. The Examiner is mistaken. Applicant again notes as set forth in the previous response that each of layers 1311 and 115 have a minimum thickness of 0.5 nm. Accordingly, in combination layers 1311 and 115 together have a minimum thickness of at least 1 nm. At page 3 of the present Action, the Examiner indicates that Ma anticipates the recited transistor structure because of open-ended transitional element present in the claim. Although applicant disagrees with such position, in order to expedite prosecution of the application claim 41 is

amended to indicate that the gate oxide layer has a total thickness of 5 Angstroms with such layer being on a semiconductive substrate and having a layer of conductive material on the gate oxide layer. Accordingly, independent claim 41 is clearly not anticipated by Ma and is allowable over this reference.

Dependent claims 42 and 43 are allowable over Ma for at least the reason that they depend from allowable base claim 41.

New claims 48-51 do not add "new matter" to the application since each is fully supported by the specification as originally filed. Claims 48-51 are supported by the specification at, for example, page 4, lines 13-15; page 4, lines 21 through page 517; page 8, lines 10-21; and Figs. 5-6. Claims 48-51 are directed toward a transistor structure having a gate oxide region which is disposed directly on a semiconductive substrate and has a thickness of 5 Angstroms with a conductive layer in physical contact with an upper surface of the gate oxide region. Claims 48-52 are allowable over the art of record for at least reasons similar to independent claim 41.

For the reasons discussed above, pending claims 41-43 and 48-52 are allowable. Accordingly, Applicant respectfully requests formal allowance of such pending claims in the Examiner's next Action.

Respectfully submitted,

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